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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written Statement* submitted by the International Centre for Human Rights and Democratic Development (Rights & Democracy), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

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*/ This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. *0020104E*

ENG

The Situation of Women and Girls in Afghanistan

1. The human rights situation in Afghanistan, as revealed in the observations of Mr. Kamal Hossain, Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/2001/43; A/56/409 and A/56/409/Add.1) and those of the Secretary General on the situation of women and girls in Afghanistan (E/CN.4/Sub.2/2001/28), continue to be at a critical point in terms of violations of fundamental rights and humanitarian law. We acknowledge the laudable efforts of the Special Rapporteur and hope that his mandate will be renewed.

2. Under the Taliban regime, discrimination against women was systematic and massively widespread. Women's fundamental rights were persistently, cruelly, disproportionately and arbitrarily violated. The nature of the authorities, who exercised power without the participation and consent of the Afghan people, was the primary cause, to which can be added poverty, drought and war. In the territories controlled by the Taliban, this officially-approved discrimination against women adversely affected their personal safety, right to education and health care, free movement and freedom of association. The imposition of edicts by the authoritarian regime lead to inhumane and degrading punishment, kidnappings, forced marriages and trafficking in women and girls.

3. Further, all Afghan parties have committed grave violations of the human rights of women and girls.

4. We recall the Sub-Commission on Human Rights resolution on the Situation of women and girls in territories controlled by Afghan armed groups (E/CN.4/SUB.2/2001/28) and Security Council resolution 1325 (S/RES/1325(2000)) on Women, Peace and Security.

5. We also recall Security Council resolution 1386 (S/RES/1386 (2001)) which endorsed the Bonn Agreement (S/2001/1154) on provisional arrangements in Afghanistan pending the establishment of a broad-based, gender-sensitive, multi-ethnic and fully representative government for Afghanistan.

RECOMMENDATIONS

6. It is of capital importance that a peace and reconciliation process be instituted to ensure the security of civilians and lay the socio-economic foundations needed for the establishment of an environment respectful of fundamental human rights principles. In this regard, the Commission must urge the Security Council to extend the mandate of the International Security Assistance Force established by Security Council Resolution 1386 to the whole country and ensure that these peacekeeping forces engage in a process of demilitarization and demobilization of Afghanistan.

7. The Commission must urge a halt to all United States led military action in Afghanistan to ensure sufficient humanitarian assistance, without discrimination, to civilians in Afghanistan and Afghan refugees in neighbouring countries, including health care, shelter and food. Afghan women's organizations should be invited to participate in the delivery of such assistance.

8. It is essential that Security Council resolution 1325 be applied. In particular, that a gender perspective be incorporated into peacekeeping operations in Afghanistan. The role of women in the prevention and resolution of conflicts and peace-building in Afghanistan is central to the reconstruction of the country. The Commission should demand the full participation and full involvement of women in all efforts for the maintenance and promotion of peace and security in Afghanistan.

9. Long term strategies must be implemented to help the reconstruction of Afghan society and create sustainable change for women in Afghanistan. The Commission should encourage the United Nations, the international community, particularly donor countries and multilateral institutions to assist in the rehabilitation, recovery and reconstruction of Afghanistan. In particular, long term financial and logistical support should be provided to the new Women's Affairs Ministry of Afghanistan.

10. The Commission must demand that the new Afghan interim administration respect international treaties signed by Afghanistan and that urgent steps be taken to protect Afghan civilians and refugees, especially women, from violations of human rights and humanitarian law.

11. The Commission must immediately demand that the Afghan interim administration abrogate all edicts and cease all forms of discrimination against women that control their participation in civil, cultural, economic, political and social life. In particular, measures must be implemented to ensure respect for the rights of women to personal security, health, education and housing.

12. The Commission should encourage the drafting of a new constitution that would entrench women's human rights and equality for women and men in any future Afghan society.

13. Further, as an initial step towards accountability, the Commission must urge that the Secretary General appoint a commission of experts to gather evidence of past and current serious violations of international law, including war crimes and crimes against humanity committed in Afghanistan. The findings of this commission could lay the foundation for the establishment of short and long-term justice mechanisms such as criminal proceedings before an impartial tribunal whether national or international, or a truth commission.

14. It is also of primary importance that programs with the objective of psychological rehabilitation of women and their social reintegration be launched and funded by United Nations organizations in Afghanistan and Pakistan, as recommended by the Special Rapporteur on Violence Against Women in her report (E/CN.4/2000/68/Add.4). Women

must have equal access to the establishments necessary to protect and maintain their right to the highest possible level of physical and mental health.

15. To mitigate the consequences of complete segregation of men and women, a gender-specific perspective must be introduced in the selection of United Nations and other international organizations' personnel so as to ensure access by Afghan women. In this way, monitoring and evaluation of the promotion and protection of rights will reach the entire Afghan population. Moreover, the recruitment of qualified Afghan women, as much as possible, will ensure that these projects are completed in a satisfactory manner.